

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

* * *

JASON LATRELL THOMAS,

Plaintiff,

v.

SERENA HAIRE, et al.,

Defendants.

Case No. 2:22-cv-00051-RFB-EJY

ORDER

Pending before the Court is Plaintiff's Motion Seeking to Amend Complaint. ECF No. 16. No defendants have been served in this matter; thus, no opposition was filed. The Court notes that Plaintiff commenced this action on October 29, 2021. ECF No. 1. Further, this is not a matter filed under the *in forma pauperis* statute and, therefore, is not screened.

While the Court will allow Plaintiff to amend his Complaint, the Court notes that under Rule 4(m) of the Federal Rule of Civil Procedures Plaintiff has not timely served any defendant. Rule 4(m) states: "If a defendant is not served within 90 days after the complaint is filed, the court—on motion or on its own after notice to the plaintiff—must dismiss the action without prejudice against that defendant or order that service be made within a specified time."

Accordingly, IT IS HEREBY ORDERED that Plaintiff's Motion Seeking to Amend Complaint (ECF No. 16) is GRANTED.

IT IS FURTHER ORDERED that the Clerk of Court shall separate ECF No. 16-1 from ECF No. 16 and file the First Amended Complaint on the docket.

IT IS FURTHER ORDERED that Plaintiff must review Federal Rule of Civil Procedure 4 regarding service of a complaint and comply with service no later than 90 days from today's date.

1 IT IS FURTHER ORDERED that failure to timely serve at least one defendant in this action
2 will result in a recommendation by the Court to dismiss this matter without prejudice.

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4 Dated this 4th day of October, 2022.

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6 ELAYNA J. YOUCHAK
7 UNITED STATES MAGISTRATE JUDGE
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